

90-900.2. COUNTY ADMINISTRATIVE HEARINGS

A. General

This section provides information on the general responsibilities in relation to GR Hearings and instructions on the treatment of hearing requests before the hearing.

B. General Re- sponsibilities

The table below shows the general responsibilities for actions related to GR Hearings.

Responsibility	FRC Staff Actions	Appeals Staff Actions
Inform by NOA (notify applicant/recipient of right to a hearing)	Completed at: <ul style="list-style-type: none">• Intake• Redetermination• Disagreement with County action• Any action by County.	Complete when a new issue is identified at hearing.
Scheduling	Assist when help is: <ul style="list-style-type: none">• required• requested. <p>For example, provide Appeals' phone number, advise on preparing written request for appeal, refer to Legal Aid.</p>	<ul style="list-style-type: none">• Notify of hearing date and time• Reschedule as appropriate.
Aid Paid Pending	Evaluate/authorize if appropriate by supervisor (refer to E , below).	Extend by GR Hearing Officer in circumstances outlined in E , below.
Communication	Once appeal action has begun: <ul style="list-style-type: none">• notify Appeals of any further case actions for issues under appeal or other case changes which may impact hearing;• do not address issues under appeal with applicant/recipient when an authorized representative has been designated;• provide case record and/or requested documentation in a timely manner; and• notify PAFD if appeal issue is based on PAFD investigation.	Prior to or during appeal action, notifies the FRC of need for: <ul style="list-style-type: none">• case record• staff at Hearing.

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General Responsibilities (continued)

Responsibility	FRC Staff Actions	Appeals Staff Actions
Hearing	Appear and testify at hearing as needed.	Find fact for issue(s) identified in the hearing request by the GR Hearing Officer and as approved by the Appeals Manager.
Decisions	Act on decisions as appropriate and in a timely manner.	Render a fair and impartial decision pursuant to County regulation and/or policy.

GRPG Letter #77 (10/14)

C. Hearing Requests

Instructions on how to request a GR Hearing are printed on each GR NOA. A Hearing may be requested by:

- calling the Appeals GR Scheduling Clerk; or
- writing to the Appeals address on the NOA.

D. Timely Hearing Requests

The request must be timely, unless good cause is found, as shown in the table below.

Action	Request Must Be Received
Denials	Within 10 calendar days after the NOA mailing date.
All Other Actions	Within 10 calendar days after the effective date of the proposed adverse action.

The circumstances that the Hearing Officer must consider for approving good cause for late filing include, but are not limited to:

- relevant circumstances including the applicant's physical, mental, educational, literacy or linguistic limitations
- [adequate notice](#) not provided
- sufficient time to respond was not possible because the notice was not delivered or received by the recipient
- applicant/recipient made a bona fide good faith effort to comply with the appeal procedures

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Timely Hearing Requests (continued)

The assigned Appeals Representative will make the determination of Good Cause when determining if the County can offer a CWD. If the Appeals Representative cannot determine if a timely hearing request was made or whether Good Cause exists for the late hearing request, then the case will be decided in the GR Hearing.

GRPG Letter #77 (10/14)

E. Rescheduling/ Postponing Hearings

The GR Hearing Officer will consider good cause for rescheduling/postponing a hearing when the applicant/recipient has failed to appear or is not able to appear for the hearing. A Good Cause review must include an evaluation of relevant circumstances including the applicant's physical, mental, educational, literacy or linguistic limitations. Reasons for granting Good Cause can include any of the following:

- A doctor's appointment
- Illness/hospitalization
- Job interview/work
- Incarceration
- Court appearance
- Adequate notice not provided. Adequate notice is defined as a written notice informing the applicant of the action the County intends to take, the reason for the intended action, the specific regulations supporting the action, and an explanation of the applicant's right to request a County Hearing.
- Sufficient time to respond was not possible because the notice was delayed or not received by the recipient.
- Applicant/recipient made a bona fide good faith effort in complying with the appeal procedures.

Note: Good Cause must be documented prior to rescheduling.

F. Aid Paid Pending (APP)

When a recipient makes a request for a GR hearing before the effective date of the notice, the County may be required to suspend its proposed action and continue aid through the GR Hearing date. APP will not be paid when the issue is a denial or an initial eligibility determination.

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G. APP Approval

APP will be approved by the Supervisor when:

- it is requested by the recipient before the effective date of the notice;
- the recipient has no other income or resources to meet needs; and
- the issue is not due to a change in policy or regulation (see Examples below).

Example	Situation
1	Recipient does not agree with time-limit eligibility, but does not dispute classification as AB – no APP to be granted.
2	Recipient feels he/she should be classified as EL and not time-limited to three months – APP to be issued.

GRPG Letter #53 (3/09)

H. APP Payment

APP will be:

- paid through the hearing date
- paid through a rescheduled hearing date when the hearing is rescheduled at County convenience or for good cause (same good cause criteria in [E](#), above, will be used).

APP will be initiated in CalWIN.

I. APP Extension

Continuation of APP will be extended by the GR Hearing Officer:

- when a decision cannot be made within 15 calendar days; or
 - if it is likely the decision will be in the recipient's favor and action taken by the worker on the extension no later than the next workday
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J. GR Hearing Clerk Pre- Hearing Re- sponsibilities

The table below shows the GR Hearing Clerk's actions to be taken before the hearing.

Step	Action
1	Schedule GR Hearings (see Appendix C for notice to applicant/recipient).
2	Maintain hearing calendar.
3	Notify FRC Case Control Clerk of date and time of hearing and to send the case to the Appeals Section.

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GR Hearing Clerk Pre-Hearing Responsibilities (continued)

Step	Action
4	Track in-coming and out-going cases.
5	Provide case record for applicant/recipient review prior to hearing, if requested.
6	Notify supervisor if worker is required at Hearing.

GRPG Letter 68 (12/11)

K. Worker Pre-Hearing Responsibilities

The table below shows the worker's actions that must be taken the same day as notification of hearing is received.

Step	Action
1	Review case record for correct application of rules and timely/adequate notice.
2	Check that documentation allows case to stand alone including: <ul style="list-style-type: none">• name/title of contact person• direct quotations to the extent possible• specific examples of misconduct/violation with dates, times, and locations of misconduct/violations.
3	Image pertinent documents, as needed.
4	Forward case to supervisor for review.
5	Grant APP, if approved by supervisor.

GRPG Letter 77 (10/14)

L. Supervisor Pre-Hearing Responsibilities

The table below shows the supervisor's actions to be taken before the hearing.

Step	Action
1	Review the case upon receipt for correct application of rules and timely/adequate notice.
2	Instruct worker to rescind action, by NOA, and notify appeals if lack of documentation exists and/or inappropriate action was taken.
3	Evaluate/authorize APP.
4	Document APP decision and have worker grant, if appropriate.

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Supervisor Pre-Hearing Responsibilities (continued)

Step	Action
5	Complete Appeals Pre-Hearing Supervisory Case Review Checklist according to the Pre-Hearing Case Review Requirements Eligibility Operations Guide (S:/ENTERPRISE/Eligibility and Employment Operations Guide/Appeals/Pre-Hearing Case Reviews Requirements) to document the reasons supporting the County's position or notifying Appeals of rescission of action.
6	Notify PAFD Investigator and supervisor if appealed action resulted from investigator activities.
7	Send case to Appeals via FRC Case Control Clerk.

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M. FRC Case Control Clerk Pre-Hearing Responsibilities

The table below shows the FRC Case Control Clerk's actions to be taken before the hearing.

Step	Action
1	Forward case request to worker of record.
2	Notify worker of Appeals request for case.
3	Receive case from supervisor and check case out for tracking.
4	Forward case to Appeals Section at W402 by 8:00 AM of second work day following date of notification of hearing request.

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N. Pre-Hearing Appeals Review Responsibilities

The case will be assigned to an Appeals Representative, who is not the County Hearing Officer, within one work day of the date of receipt of the hearing request.

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Pre-Hearing Appeals Review Responsibilities (continued)

If the case action is ...	Then the ...
incorrect,	Appeals Representative will contact the claimant to offer a Conditional Withdrawal (CWD). If the claimant agrees to a CWD, the Appeals Representative will prepare the Out of Hearing Resolution (OHR) and forward to the FRC for processing and cancel the scheduled hearing.
<ul style="list-style-type: none">• determined to be correct;• the Appeals Representative is unable to reach the claimant; or• the claimant does not agree to a CWD,	hearing will remain scheduled. The Appeals Representative will notify potential County witnesses of the date and time of the scheduled hearing and notate in the Appeals file which County witnesses have been notified.

Worker compliance with the OHR must be completed within 30 work days from the signed CWD.

GRPG Letter 77 (10/14)

O. Disagreement with OHR

When the worker disagrees with the action directed in the OHR, the worker must:

Step	Who	Action
1	Worker	Resolve the disagreement within 5 work days. Day one of the 5 work days begins on the work day following the receipt of the OHR notice. These 5 work days are included in the 30 days that the worker has to complete the OHR.
2		Review the case with the supervisor to ensure consensus.
3	FRC Appeal Liaison	Contact the Appeals Representative to discuss and resolve when the worker has new information or believes the OHR is incorrect.
4	FRC Manager	Contact the Appeals Manager within the first 5 working days to request a formal review of the Appeals action by the Appeals Manager or their designee if the issue is not resolved.

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Disagreement
with OHR
(continued)

Step	Who	
5	If the decision is ...	Then the ...
	not reversed,	worker must comply with the OHR within the original 30-day timeline
	reversed,	Appeals Representative must send a new adequate NOA to the claimant or AR explaining that the County has reversed the CWD/OHR and cite the appropriate regulations and the underlying basis again with the appropriate regulations.

GRPG Letter 77 (10/14)